

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

BEFORE THE CHIEF PROCUREMENT
OFFICER FOR CONSTRUCTION

IN THE MATTER OF: CANCELLATION
OF AWARD
WELCOME CENTER IMPROVEMENTS –
LITTLE RIVER
STATE PROJECT P28-9370-MJ-B
SOUTH CAROLINA DEPARTMENT
OF PARKS, RECREATION AND
TOURISM

WRITTEN DETERMINATION

POSTING DATE: March 29, 2002

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from South Carolina Department of Parks, Recreation and Tourism (PRT) under the provisions of §11-35-1520(7) of the South Carolina Consolidated Procurement Code (Code), for a determination of appropriateness regarding PRT's intent to cancel a contract for construction with Accent Contracting, Inc. (Accent).

BASIS FOR THE REQUEST

PRT received bids for the project on January 31, 2002 and posted a Notice of Intent to Award to Accent [Exh. 1] on February 4, 2002. On February 20, 2002 the protest period for the award expired. While a contract was contemplated, it was never executed and PRT did not issue a Notice to Proceed to Accent. On March 27, 2002 PRT submitted a request [Exh. 2] to the CPOC to cancel the award, citing changed circumstances and stating that the services requested are no longer required.

Based on the facts stated above, and under the authority granted by SC Code Regulation 19-445.2085(C), the CPOC hereby cancels, prior to performance and in its entirety, the Notice of Intent to Award to Accent Contracting, Inc. The South Carolina Department of Parks, Recreation and Tourism may proceed to formally notify Accent Contracting of the cancellation of this award.

IT IS SO ORDERED



Michael M. Thomas
Chief Procurement Officer for Construction
March 29, 2002
Date

STATEMENT OF THE RIGHT TO APPEAL

By canceling the intent to award prior to performance, this Decision also serves as a written determination under Section 11-35-1520(7) and Regulation 19-445.2085(C). The South Carolina Procurement Code, under Section 11-35-4410, subsection (1)(b), states:

(1) Creation. There is hereby created The South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine *de novo*:

...

(b) requests for review of other written determinations, decisions, policies, and procedures as arise from or concern the procurement of supplies, services, or construction procured in accordance with the provisions of this code and the ensuing regulations; provided that any matter which could have been brought before the chief procurement officers in a timely and appropriate manner under Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, shall not be the subject of review under this paragraph. Requests for review under this paragraph shall be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of such written determination, decisions, policies, and procedures.

Additional information regarding the administrative review process is available on the internet at the following Web site: <http://www.state.sc.us/mmo/legal/lawmenu.htm>